

AMENDED IN SENATE JUNE 27, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1620

Introduced by Assembly Member Wieckowski

February 8, 2012

An act to amend Section ~~25123.5~~ 25110.11 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL’S DIGEST

AB 1620, as amended, Wieckowski. Hazardous waste: ~~treatment.~~
contained gaseous material.

Under existing law, “contained gaseous material” is regulated by the Department of Toxic Substances Control as a hazardous waste. Existing law defines contained gaseous material as any gas that is contained in an enclosed cylinder or other enclosed container. Existing law exempts from the definition of contained gaseous material any exhaust gas, flue gas, or other vapor stream, regardless of the source, that is controlled by a permitted or exempted air pollution control device.

This bill would instead exempt from the definition of “contained gaseous material” any exhaust or flue gas, or other vapor stream, or any air or exhaust gas stream that is filtered or otherwise processed to remove particulates, dusts, or other air pollutants, regardless of the source.

~~Existing law defines the term “treatment” for purposes of the hazardous waste control laws and excludes certain activities conducted either onsite in accordance with the requirements of the hazardous waste control law or conducted in accordance with the conditions issued pursuant to a permit issued by the Department of Toxic Substances~~

Control. Existing law prohibits the owner or operator of a hazardous waste treatment facility from treating hazardous waste at the facility, unless the operator or operations hold a hazardous waste facilities permit or other grant of authorization from the department.

This bill would additionally exclude from the definition of the term “treatment,” the separation of air and particulate matter by physical means and the compaction of compatible waste by physical means to reduce volume if the process does not increase the risk of fire or cause the release of hazardous gaseous emissions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25110.11 of the Health and Safety Code
2 is amended to read:

3 25110.11. (a) “Contained gaseous material,” for purposes of
4 subdivision (a) of Section 25124 or any other provision of this
5 chapter, means any gas that is contained in an enclosed cylinder
6 or other enclosed container. ~~“Contained~~

7 (b) Notwithstanding subdivision (a) of this section, “contained
8 gaseous material” does not include any exhaust gas, or flue gas,
9 or other vapor stream, or any air or exhaust gas stream that is
10 filtered or otherwise processed to remove particulates, dusts, or
11 other air pollutants, regardless of the source, ~~that is abated or~~
12 controlled by an air pollution control device that is permitted by
13 an air pollution control district or air quality management district,
14 or which is specially exempted from those permit requirements.

15 SECTION 1. Section 25123.5 of the Health and Safety Code
16 is amended to read:

17 25123.5. (a) Except as provided in subdivisions (b) and (c),
18 “treatment” means a method, technique, or process that is not
19 otherwise excluded from the definition of treatment by this chapter
20 and that is designed to change the physical, chemical, or biological
21 character or composition of a hazardous waste or a material
22 contained therein, or that removes or reduces its harmful properties
23 or characteristics for any purpose.

24 (b) (1) “Treatment” does not include any of the activities listed
25 in paragraph (2), if one of the following requirements is met:

1 ~~(A) The activity is conducted onsite in accordance with the~~
2 ~~requirements of this chapter and the department's regulations~~
3 ~~adopted pursuant to this chapter governing the generation and~~
4 ~~accumulation of hazardous waste.~~

5 ~~(B) The activity is conducted in accordance with the conditions~~
6 ~~specified in a permit issued by the department for the storage of~~
7 ~~hazardous waste.~~

8 ~~(2) The activities subject to the exemption specified in paragraph~~
9 ~~(1) include all of the following:~~

10 ~~(A) Sieving or filtering liquid hazardous waste to remove solid~~
11 ~~fractions, without added heat, chemicals, or pressure, as the waste~~
12 ~~is added to or removed from a storage or accumulation tank or~~
13 ~~container. For purposes of this subparagraph, sieving or filtering~~
14 ~~does not include adsorption, reverse osmosis, or ultrafiltration.~~

15 ~~(B) Phase separation of hazardous waste during storage or~~
16 ~~accumulation in tanks or containers, if the separation is unaided~~
17 ~~by the addition of heat or chemicals. If the phase separation occurs~~
18 ~~at a commercial offsite permitted storage facility, all phases of the~~
19 ~~hazardous waste shall be managed as hazardous waste after~~
20 ~~separation.~~

21 ~~(C) Combining two or more hazardous waste streams that are~~
22 ~~not incompatible into a single tank or container if both of the~~
23 ~~following conditions apply:~~

24 ~~(i) The waste streams are being combined solely for the purpose~~
25 ~~of consolidated accumulation or storage or consolidated offsite~~
26 ~~shipment, and they are not being combined to meet a fuel~~
27 ~~specification or to otherwise be chemically or physically prepared~~
28 ~~to be treated, burned for energy value, or incinerated.~~

29 ~~(ii) The combined waste stream is managed in compliance with~~
30 ~~the most stringent of the regulatory requirements applicable to~~
31 ~~each individual waste stream.~~

32 ~~(D) Evaporation of water from hazardous wastes in tanks or~~
33 ~~containers, such as breathing and evaporation through vents and~~
34 ~~floating roofs, without the addition of pressure, chemicals, or heat,~~
35 ~~other than sunlight or ambient room lighting or heating.~~

36 ~~(E) Separation of air and particulate matter by physical means.~~

37 ~~(F) Compaction of compatible waste by physical means to~~
38 ~~reduce volume if the process does not increase the risk of fire or~~
39 ~~cause the release of hazardous gaseous emissions.~~

1 ~~(3) This subdivision does not apply to an activity for which a~~
2 ~~hazardous waste facilities permit for treatment is required under~~
3 ~~the federal act.~~
4 ~~(e) "Treatment" does not include the combination of~~
5 ~~glutaraldehyde or orthophthalaldehyde, which is used by medical~~
6 ~~facilities to disinfect medical devices, with formulations containing~~
7 ~~glycine as the sole active chemical, if the process is carried out~~
8 ~~onsite.~~

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